

ESTTA Tracking number: **ESTTA1027755**

Filing date: **01/09/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Tudor Watch U.S.A., LLC
Granted to Date of previous extension	03/18/2020
Address	665 FIFTH AVE NEW YORK, NY 10022 UNITED STATES
Correspondence information	ADAM SGRO GIBNEY ANTHONY & FLAHERTY LLP 665 FIFTH AVE NEW YORK, NY 10022 UNITED STATES asgro@gibney.com, bfrenchman@gibney.com, vtoranzo@gibney.com, bw-brokate@gibney.com, pcousins@gibney.com 212-688-5151

### Applicant Information

Application No	88542229	Publication date	11/19/2019
Opposition Filing Date	01/09/2020	Opposition Period Ends	03/18/2020
Applicant	Zhang Peng Po Hing era B2-1917 Dafapu bantian Shenzhen, 518129 CHINA		

### Goods/Services Affected by Opposition

Class 009. First Use: 2019/07/23 First Use In Commerce: 2019/07/23  
Opposed goods and services in the class: Smart watches

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	661372	Application Date	04/16/1957
Registration Date	05/06/1958	Foreign Priority Date	NONE
Word Mark	TUDOR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1938/02/25 First Use In Commerce: 1946/11/00 TIMEPIECES AND PARTS THEREOF

U.S. Registration No.	5045861	Application Date	05/08/2013
Registration Date	09/20/2016	Foreign Priority Date	NONE

Word Mark	TUDOR
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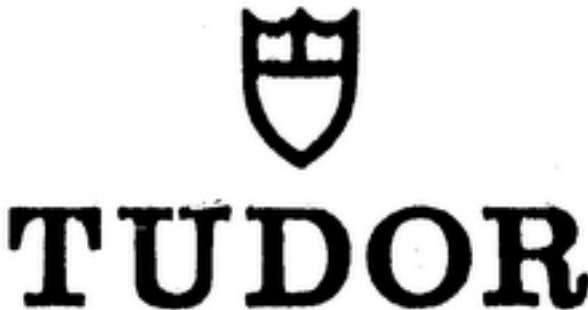
Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2013/09/30 First Use In Commerce: 2013/09/30 Retail store services featuring watches, timepieces, clocks and jewelry
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U.S. Registration No.	1002030	Application Date	02/13/1974
Registration Date	01/21/1975	Foreign Priority Date	NONE

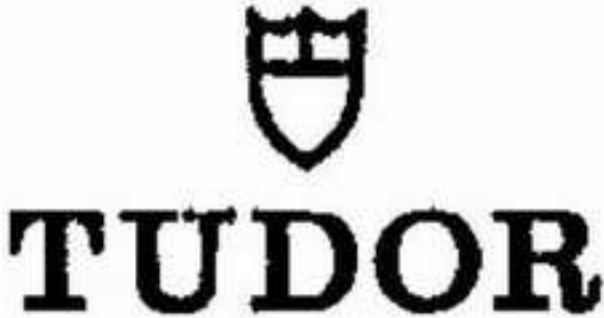
Word Mark	TUDOR
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Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 014. First use: First Use: 1971/12/31 First Use In Commerce: 1971/12/31 WATCHES AND CLOCKS AND PARTS THEREOF, WATCH BRACELETS [ , AND JEWELRY ]
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U.S. Registration No.	5045862	Application Date	05/08/2013
-----------------------	---------	------------------	------------

Registration Date	09/20/2016	Foreign Priority Date	NONE
Word Mark	TUDOR		
Design Mark			
Description of Mark	The mark consists of a shield located above the wording "TUDOR".		
Goods/Services	Class 035. First use: First Use: 2013/09/30 First Use In Commerce: 2013/09/30 Retail store services featuring watches, timepieces, clocks and jewelry		

Attachments	85926400#TMSN.png( bytes ) 73013313#TMSN.png( bytes ) 85926442#TMSN.png( bytes ) 01288264.PDF(2135909 bytes )
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Signature	/Adam Sgro/
Name	ADAM SGRO
Date	01/09/2020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Application No. 88542229  
Mark opposed: TUVROR  
Filing date: July 27, 2019  
Published: November 19, 2019

TUDOR WATCH U.S.A., LLC,

Opposer,

v.

ZHANG PENG,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Tudor Watch U.S.A., LLC hereby opposes registration of the mark TUVROR in International Class ( `IC\_ ) 009 for `Smart watches, \_ Application Serial No. 88542229 (the `TUVROR Mark \_). In support of this opposition, Opposer alleges as follows:



1. Opposer, Tudor Watch U.S.A., LLC ( `Tudor \_), is a New York corporation with a business address of 665 Fifth Avenue, New York, New York 10022.

2. Since at least as early as 1946, which is prior to any date of first use upon which Applicant can rely, Tudor (and its predecessors) has used and continues to use the distinctive and well-known TUDOR mark on and in connection with Tudor watches distributed by Tudor in the United States.

3. Since at least as early as 1971, which is prior to any date of first use upon which Applicant can rely, Tudor (and its predecessors) has used and continues to use the distinctive

TUDOR + Shield Device mark on and in connection with Tudor watches distributed by Tudor in the United States.

4. Tudor is the owner of the following United States principal registrations which are valid and subsisting:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>First Use In Commerce</b>	<b>Goods</b>
TUDOR	0661372	May 06, 1958	Nov. 1946	IC 014: timepieces and parts thereof
TUDOR	5045861	Sep. 20, 2016	Sep. 30, 2013	IC 035: Retail store services featuring watches, timepieces, clocks and jewelry
 <b>TUDOR</b>	1002030	Jan. 21, 1975	Dec. 31, 1971	IC 035: watches and clocks and parts thereof, watch bracelets
 <b>TUDOR</b>	5045862	Sep. 20, 2016	Sep. 30, 2013	IC 035: Retail store services featuring watches, timepieces, clocks and jewelry

5. Tudor is the distributor and warrantor in the United States of watches bearing the above trademarks and the exclusive provider of retail store services featuring watches in connection with the above trademarks (collectively, the 'Tudor Marks').

6. True and correct copies of the above listed registrations obtained on January 9, 2020 from the United States Patent & Trademark Office TESS and Assignment database are attached hereto as Exhibit 1 and made of record.

7. Tudor has valid and subsisting statutory and common law rights to the Tudor Marks.

8. The Tudor Marks are distinctive to both the consuming public and in Tudor's trade.

9. Through over seventy years of continuous use, advertising and promotion, the Tudor Marks for watches and retail store services have come to be associated exclusively with Tudor.

10. The Tudor Marks are featured prominently on Tudor's watches and in Tudor's extensive advertising and promotion campaigns.

11. As a result of Tudor's continuous use, its vast advertising and sales of watches and retail store services bearing the Tudor Marks, the Tudor Marks have become extremely well known and widely recognized throughout the United States as designating high quality products originating exclusively from Tudor.

12. Upon information and belief, on July 27, 2019, Applicant filed an application under section 1(a) of the Lanham Act to register the mark TUVROR in IC 009 for among other goods, "Smart watches."

13. In its application for the TUVROR mark, Applicant claimed a first use date and first use in commerce date of July 23, 2019.

14. The Tudor Marks have priority over Applicant's TUVROR mark.

15. Applicant's mark is has no meaning in the English language.

16. Applicant's mark TUVROR sounds similar to the mark TUDOR.

17. Applicant's TUVROR mark is visually similar to the mark TUDOR.

18. Consumers will naturally view and read Applicant's mark as being associated with one or more of the Tudor Marks.

19. Applicant's TUVROR mark is confusingly similar to one or more of the Tudor Marks.

20. Applicant seeks to use its TUVROR mark on `smart watches,\_ which are related to watches within IC 014 and retail store services featuring watches and are the goods and services sold, distributed, promoted and sponsored by Tudor under the Tudor Marks.

21. Applicant's mark, when placed on `smart watches\_ as listed in its application, will likely cause consumer confusion as to the source of Applicant's products.

22. Upon information and belief, Applicant has made no significant monetary investment in the sale, promotion or advertising of its mark.

23. Upon information and belief, Applicant was aware of the Tudor Marks before the filing date of its application for the mark, TUVROR.

24. The registration of Applicant's TUVROR mark will improperly give to Applicant the appearance of exclusive statutory ownership rights in a mark that is confusingly similar to the Tudor Marks in violation and derogation of the prior and superior rights of Tudor in its trademarks.

25. Tudor believes that it will be damaged by issuance of the registration of the TUVROR Mark.

### **COUNT ONE**

#### **Likelihood of Confusion, 15 U.S.C. § 1052(d)**

26. Applicant's TUVROR mark so resembles Tudor's previously used and registered Tudor Marks that, when applied to Applicant's `smart watches\_ as listed in the application, it is likely to cause confusion, mistake, or deception for purposes of Section 2(d) of the Trademark Act (15 U.S.C. § 1052(d)).

27. Therefore, Applicant's TUVROR mark should be barred from registration.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that registration of Applicant's mark be refused.

Respectfully submitted,  
TUDOR WATCH U.S.A., LLC

Dated: January 9, 2020

By:     /Beth Frenchman/      
Adam Sgro (asgro@gibney.com)  
Beth Frenchman (bfrenchman@gibney.com)  
Peter Cousins (pcousins@gibney.com)  
Gibney, Anthony & Flaherty, LLP  
665 Fifth Avenue  
New York, NY 10022  
T: (212) 688-5151

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION has been served on this 9th day of January, 2020 by email to the following:

Jonathan G. Morton  
[jm@moas.com](mailto:jm@moas.com)  
[zhang@moas.com](mailto:zhang@moas.com)  
[hkn@junview.cn](mailto:hkn@junview.cn)  
[tuvror003@163.com](mailto:tuvror003@163.com)

By:     /Adam Sgro/      
Adam Sgro



# EXHIBIT 1



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<b>Word Mark</b>	TUDOR
<b>Goods and Services</b>	IC 014. US 027. G & S: TIMEPIECES AND PARTS THEREOF. FIRST USE: 19380225. FIRST USE IN COMMERCE: 19461100
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72028262
<b>Filing Date</b>	April 16, 1957
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0661372
<b>Registration Date</b>	May 6, 1958
<b>Owner</b>	(REGISTRANT) MONTRES TUDOR S.A. (TUDOR WATCH CO. LTD.) CORPORATION SWITZERLAND 18, RUE DU MARCHE GENEVA SWITZERLAND  (LAST LISTED OWNER) TUDOR WATCH U.S.A., LLC LIMITED LIABILITY COMPANY DELAWARE 665 FIFTH AVENUE NEW YORK NEW YORK 10022
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Peter Cousins
<b>Prior Registrations</b>	0401084;0642334
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20180424.
<b>Renewal</b>	4TH RENEWAL 20180424
<b>Live/Dead Indicator</b>	LIVE

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## Trademark Assignment Abstract of Title

**Total Assignments: 3**
Serial #: [72028262](#)

Filing Dt: 04/16/1957

Reg #: [661372](#)

Reg. Dt: 05/06/1958

Registrant: MONTRES TUDOR S.A. (TUDOR WATCH CO. LTD.)

Mark: TUDOR

**Assignment: 1**
Reel/Frame: [0523/0573](#)

Recorded: 04/23/1986

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [MONTRES TUDOR S.A.](#)

Exec Dt: 03/20/1986

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Assignee: [ROLEX WATCH U. S. A., INC.](#)

665 FIFTH AVE.

NEW YORK, NEW YORK

Entity Type: CORPORATION

Citizenship: NONE

Correspondent: KANE, DALSIMER, ET AL.

420 LEXINGTON AVE.

NEW YORK, NY 10170-0071

**Assignment: 2**
Reel/Frame: [3067/0098](#)

Recorded: 04/15/2005

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [ROLEX WATCH U.S.A., INC.](#)

Exec Dt: 04/14/2005

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: [MONTRES TUDOR S.A.](#)

3 RUE FRANCOIS DUSSAUD

CH-1211 GENEVA 24, SWITZERLAND

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Correspondent: MORGAN &amp; FINNEGAN, LLP

3 WORLD FINANCIAL CENTER

NEW YORK, NY 10281-2101

**Assignment: 3**
Reel/Frame: [4979/0027](#)

Recorded: 03/11/2013

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [MONTRES TUDOR S.A.](#)

Exec Dt: 03/06/2013

Entity Type: SOCIETE ANONYME

Citizenship: SWITZERLAND

Assignee: [TUDOR WATCH U.S.A., LLC](#)

665 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Correspondent: PETER COUSINS

665 FIFTH AVENUE

NEW YORK, NY 10022

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# TUDOR

<b>Word Mark</b>	TUDOR
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Retail store services featuring watches, timepieces, clocks and jewelry.
<b>Standard Characters Claimed</b>	FIRST USE: 20130930. FIRST USE IN COMMERCE: 20130930
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85926400
<b>Filing Date</b>	May 8, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 22, 2013
<b>Registration Number</b>	<b>5045861</b>
<b>Registration Date</b>	September 20, 2016
<b>Owner</b>	(REGISTRANT) Tudor Watch U.S.A., LLC LIMITED LIABILITY COMPANY DELAWARE 665 Fifth Avenue New York NEW YORK 10022
<b>Attorney of Record</b>	Peter Cousins
<b>Prior Registrations</b>	0661372;1002030;4208394;AND OTHERS
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**For Serial Number: 85926400**

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<b>Word Mark</b>	TUDOR
<b>Goods and Services</b>	IC 014. US 002 027 028 050. G & S: WATCHES AND CLOCKS AND PARTS THEREOF, WATCH BRACELETS [ , AND JEWELRY ], FIRST USE: 19711231, FIRST USE IN COMMERCE: 19711231
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon
<b>Serial Number</b>	73013313
<b>Filing Date</b>	February 13, 1974
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	1002030
<b>Registration Date</b>	January 21, 1975
<b>Owner</b>	(REGISTRANT) MONTRES TUDOR SA (TUDOR WATCH CO. LTD) CORPORATION SWITZERLAND J, RUE FRANCOIS-DUSSAND GENEVA SWITZERLAND  (LAST LISTED OWNER) TUDOR WATCH U.S.A., LLC LIMITED LIABILITY COMPANY DELAWARE 665 FIFTH AVENUE NEW YORK NEW YORK 10022
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Peter Cousins
<b>Prior Registrations</b>	0642334;0661372
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140624.

**Renewal** 3RD RENEWAL 20140624

**Live/Dead  
Indicator** LIVE

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## Trademark Assignment Abstract of Title

## Total Assignments: 3

Serial #: [73013313](#)

Filing Dt: 02/13/1974

Reg #: [1002030](#)

Reg. Dt: 01/21/1975

Registrant: MONTRES TUDOR SA (TUDOR WATCH CO. LTD)

Mark: TUDOR

## Assignment: 1

Reel/Frame: [0523/0573](#)

Recorded: 04/23/1986

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [MONTRES TUDOR S. A.](#)

Exec Dt: 03/20/1986

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Assignee: [ROLEX WATCH U. S. A., INC.](#)

665 FIFTH AVE.

NEW YORK, NEW YORK

Entity Type: CORPORATION

Citizenship: NONE

Correspondent: KANE, DALSIMER, ET AL.

420 LEXINGTON AVE.

NEW YORK, NY 10170-0071

## Assignment: 2

Reel/Frame: [3067/0098](#)

Recorded: 04/15/2005

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [ROLEX WATCH U.S.A., INC.](#)

Exec Dt: 04/14/2005

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: [MONTRES TUDOR S.A.](#)

3 RUE FRANCOIS DUSSAUD

CH-1211 GENEVA 24, SWITZERLAND

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Correspondent: MORGAN &amp; FINNEGAN, LLP

3 WORLD FINANCIAL CENTER

NEW YORK, NY 10281-2101

## Assignment: 3

Reel/Frame: [4979/0027](#)

Recorded: 03/11/2013

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [MONTRES TUDOR S.A.](#)

Exec Dt: 03/06/2013

Entity Type: SOCIETE ANONYME

Citizenship: SWITZERLAND

Assignee: [TUDOR WATCH U.S.A., LLC](#)

665 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Correspondent: PETER COUSINS

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NEW YORK, NY 10022

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<b>Word Mark</b>	TUDOR
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Retail store services featuring watches, timepieces, clocks and jewelry. FIRST USE: 20130930. FIRST USE IN COMMERCE: 20130930
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon
<b>Serial Number</b>	85926442
<b>Filing Date</b>	May 8, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 22, 2013
<b>Registration Number</b>	<b>5045862</b>
<b>Registration Date</b>	September 20, 2016
<b>Owner</b>	(REGISTRANT) Tudor Watch U.S.A., LLC LIMITED LIABILITY COMPANY DELAWARE 665 Fifth Avenue New York NEW YORK 10022
<b>Attorney of Record</b>	Peter Cousins
<b>Prior Registrations</b>	0661372;1002030;4208394;AND OTHERS
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of a shield located above the wording "TUDOR".
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**For Serial Number: 85926442**

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